

July 1, 2020

CR14-175WHA

US District Judge William Alsup
San Francisco Courthouse, Courtroom 12 – 19th Floor
450 Golden Gate Avenue, San Francisco, CA 94102

RECEIVED

Re: Supervision of PG&E tree cutting

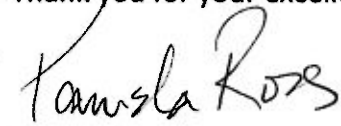
JUL 06 2020

Your Honor,

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

I enclose a short report on the recent experiences of a group of landowners in Inverness California because I believe it illuminates the need for direct and constant supervision of PG&E and its contractors as they trim and cut vegetation to protect power lines and equipment.

Thank you for your excellent and untiring oversight of this so-called public utility.


Pamela Ross
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2019 PG&E work on Drakes Summit Road, Inverness
by Pamela Ross

From December 21 to 31, 2019, including Saturdays, Christmas eve and New Year's eve, PG&E contractors, sometimes with as many as 20 trucks at one time, indiscriminately felled trees on Drakes Summit Road, a 4000 ft long private road in Inverness Park, Marin County. The residents questioned many of the crews, and were told: we have permission to cut trees so they won't fall on power lines. No advance notice of this work was given, and many homeowners were never contacted at all, so gave no permission for the work to be done. The debris was chipped or left where it fell, although some large douglas-fir trunks were cut into lengths, removed with large cranes equipped with claws, loaded into huge trucks with black sides, and hauled away. At the same time, trees which seemed to threaten the power lines were not cut.

We who live on the road (and maintain it at our own expense) were horrified and tried to find out what was going on. We learned from Josh Green (PG&E) and Vanessa Wagner and Dan Hoffman (Davey Research Group):

1. Vanessa Wagner of Davey RG did an assessment of the road in August 2019, listing trees to be cut and trimmed on each property.
2. PG&E has a "contact attempt process" with 8 boxes that must be checked before they can "sign off" on a property and do tree work without permission. Further, the tree has to be an "imminent danger" to be cut down without the permission of the landowner. At least 5 landowners were never contacted in any way before work was done on their property.
3. In cases where the landowner was contacted, they were told the number and species of trees to be cut, and some people signed contracts allowing the work to be done. They were not told that they had the right to have the large trunks removed from their property at PG&E's expense, because to do so "would be too expensive." Nor were they informed of when the work would take place.
4. PG&E rules also require that trees to be cut down or trimmed be marked, with a white "X" for cutting and a white dot or white tape for trimming (for 2019 work). Very few of the trees were marked. Several trees which were not marked or listed were cut down, and a few trees that were listed were not cut.
5. One 54 inch diameter douglas-fir that was felled was 67 ft from the road, about 40 ft below the road, and on a steep southeast-facing slope (away from the road). Vanessa Wagner said she couldn't find this tree on her list of trees to be cut and suggested that it was cut "by mistake." It broke another large douglas-fir as it fell.

A 55 inch douglas-fir that had held up the road bank for 90+ years was felled because it was "in decline," although that decline is not visible in photographs.

The contractors often had no idea of what they were doing: in one instance they were stopped from removing a tree when a resident informed them that they were on #68's property, rather than #49's, across the street, where their cut list showed a tree to be cut.

6. The reason for the frenzied rush during the holidays was that a judge had ordered that all CEMA work (a state fund for reimbursement for cutting trees that have been rendered "hazardous" by our last drought in 2011-2015) must be completed by 12/31/2019. At least 5 contractors (Mowbray, Wilhelm, Wright, AAA) plus unmarked chippers were working simultaneously, along with a "traffic control" subcontractor, whose many trucks caused its own traffic jams.

On the morning of December 31, our power went out, after a dry and windless night and early morning. Marin Fire informed us that an aged power pole, already leaning, had "shifted" and snapped the high voltage (uninsulated) wire. They stood by for 10 hours before a PG&E crew arrived, propped up the pole and restored power. Since then we have tried many times to contact PG&E to ask that our poles, many of them leaning and all of them old, be inspected and the unsafe ones replaced, but nothing has been done, nor has anyone answered our calls and emails. Shouldn't PG&E repair their own dangerous equipment before felling trees?

Drakes Summit Road is a forested area of West Marin County where the douglas-fir trees have held our roads for almost 100 years. We have seen very little tree loss, despite the high winds and storms that occur regularly on our ridge. During the Vision fire in 1995 Drakes Summit was largely spared (no structure loss) because the douglas-firs stay so wet in summer. The trunks are scarred, but the bays and oaks and ceonothus burned to the ground.

The douglas-firs on the ridge condense large amounts of fog, pulling moisture into our region and cooling east Marin as well. The trees on the ridge also protect the creeks that deliver water to the people who live Inverness. Trees keep understory plant growth (holly, ceonothus, bay and grass) from exploding-- a much worse fire hazard than firs and oaks. PG&E has said they will not be coming back to keep that growth under power lines in check. By their own admission, they are only concerned about trees that are tall enough to hit high voltage lines.

Everyone who lives here knows that sometimes trees need to be removed, but we also understand that care must be taken to ensure that by doing so, we don't increase the danger to the forest, our homes, and the power and phone lines we depend on. We must examine the consequences of removing trees: the remaining trees are more exposed to wind damage, the banks of our road are more exposed to erosion, and fire-prone species tend to take over.

The Drakes Summit Road Association hopes to never see this fiasco repeated. We intend to work closely with PG&E and hope to cooperate with them to come up with better communication and a clear plan for cutting and trimming, with some oversight from the property owners and residents of our road.

Questions we need answered:

1. How can we get our utility poles inspected and the dangerous ones replaced?
2. When can we get insulated tree wire installed in this heavily forested location?
3. Why were some large douglas-fir trunks removed from where they fell? Where was the lumber taken that was removed from our forest? Was it sold?
4. Is it true that PG&E's only concern on our road is the safety of their power lines? How can we change this policy to include fire, wind, drainage and watercourse concerns?
5. Will PG&E agree to consult with an arborist we hire next year before cutting any vegetation?
6. How can we get much better communication from PG&E and their contractors? (Note: During the 2 PSPS outages, we all got numerous phone and email messages from PG&E. Why couldn't PG&E contact people before cutting their trees, and inform neighbors ahead of time that work would be done on a specific date?)

7. PG&E tells us that if a landowner refuses permission to cut trees on their property, the landowner will be "responsible" for subsequent damage. What does that mean? What is the exact policy?

8. What is a landowner's recourse when PG&E cuts a tree on their property without contact or permission?

Submitted to the Drakes Summit Road Association
2/11/2020

Ross
94956-6005

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CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

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